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10/706,303	11/10/2003	Satoshi Mizutani	20050/0200479-US0	5755
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DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			REICHLE, KARIN M	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/706,303	MIZUTANI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Karin M. Reichle	3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 January 2009.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,6-17 and 19-25 is/are pending in the application.  
 4a) Of the above claim(s) 8,10,11,15-17,19,20,22 and 23 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,6,7,9,12-14,21,24 and 25 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 10 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 2/5/08, 4/3/08, 7/3/08, 9/5/08.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 2-5-08 fails to comply with 37 CFR 1.97(c) because it lacks the fee set forth in 37 CFR 1.17(p) or a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered. However see the IDS filed 9-5-08 which cites the same art was considered.

### ***Response to Amendment***

2. The response is considered the substitute specification and marked-up specification filed 1-7-08, the abstract filed 8-29-08, the drawings filed 8-29-08, the claims filed 5-5-08 and 1-7-08 and the remarks filed 5-5-08, 8-29-08 and 1-7-09. See paragraph 4 infra.

### ***Election/Restrictions***

3. Claims 8, 10-11, 15-17, 19-20 and 22-23 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6-8-05. As set forth in such reply the finger insertion opening species of Figures 1-8, the bonding species of 13D and the mini-sheet species of Figure 14B were elected.

***Specification***

4. The substitute specification filed 1-7-08 has not been entered because, at the very least, such appears to introduce new matter while not overcoming all the objections, see, e.g., the deleted paragraphs on page 10 of the marked up copy of the specification, i.e. where does the specification now disclose the subject matter deleted from page 10 (Contrary to Applicant's remarks, page 29 does not disclose the same subject matter as the deleted text, e.g. where is the explicit definition of "nail tip escapement" and such description with regard to fake nails now set forth), and, e.g., page 1, lines 11-13 with regard to the objection in paragraph 8 infra. Since the Figures as filed 8-29-08 are, at the very least, described by the not entered substitute specification, i.e. do not correspond to the description of the originally filed specification of 11-10-03 as amended 4-16-04, the Figures have not been approved. Therefore, see the discussion in paragraphs 4-9 infra.

5. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

For Example:

***Drawings***

6. The drawings were received on 8-29-08. These drawings are not approved by the Examiner, see the discussion *supra* in paragraph 4.

7. The drawings are objected to because in Figures 2-4, the labels X-X, Y-Y and Z-Z should be avoided. Also the cross-sectional lines, e.g. in Figure 1, X-X, Y-Y and Z-Z, should be

denoted by Roman or Arabic numerals, not letters. Figures 13A-D do not show a diagram as set forth on page 15. In Figures 1-6 and 8, the line from 8 should be dashed to denote underlying structure. In Figures 10-12, 8 should clearly denote the restriction, e.g. a line from the numeral thereto rather than a general arrow. In Figure 20, the lines from 38 and 39 should be arrows. Figure 31 should be labeled PRIOR ART. In Figure 27, the numeral 6 should clearly denote the cavity. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Description***

8. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise

and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: the abstract.

9. The abstract of the disclosure is objected to because the first sentence appears to include minor informalities in grammar, e.g. “fixed to the...space”, and the third sentence appears redundant, see the second sentence. Correction is required. See MPEP § 608.01(b).

10. The disclosure is objected to because of the following informalities: The specification is replete with informalities. For example: 1) On page 3, line 9, “Disclosure of the Invention” should be --Summary of the Invention--. 2) On page 31, line 19, “21” should be --38--. 3) The Summary of the Invention section, i.e. a description of the claimed invention, and the invention of the claims is not commensurate in scope, see MPEP 608.01(d). (It is noted that the substitute specification filed 1-7-09 still did not provide such a Summary section.) 4) On page 18, line 8, “Best Mode of Carrying Out the Invention” should be --Detailed Description of the Invention--. 5) The use of a confusing variety of terms for the same thing should be avoided. See MPEP 608.01(o). For example, see title and page 1, lines 13-15, i.e. “Package” or “wrapping body” and “wrapping container”? The specification should be carefully reviewed and revised, as necessary, to overcome all the informalities. Applicant is thanked in advance for the cooperation in placing the specification in proper form.

Appropriate correction is required.

***Claim Objections***

11. Claims 1, 6-7, 9, 12-14, 21 and 24-25 are objected to because of the following informalities: In claim 1, on line 14, should “that” be --and--? On line 19, “of the cavity...pad” should be deleted. On line 23, “protruding”, first, should be deleted. Due to the amendments of claim 1, claim 9 now appears to be redundant, see line 18 of claim 1. In claim 21, lines 3-4, “the opposite face portions of ” should be --portions of the opposite face forming--. Also the last two lines, i.e. except...opening”, now appear to be redundant, see claim 1, lines 7-12. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

12. Claims 1, 6-7, 9, 12-14, 21 and 24-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 now requires the mini- sheet have a length of 50% to 80% of a length of the longitudinal centerline. Claim 6 now requires an interval dimension between the opening for finger insertion and the finger restriction portion be 10% to 80% of a length of the longitudinal centerline. Claim 7 now requires a pad as claimed in claim 1, see discussion of claim 1, lines 11-15 in the next paragraph, having the cavity opening proceed from the front edge of a mini sheet disposed a first specific percentage from a first edge of the pad along the longitudinal centerline and the finger restriction portion is disposed at a second specific percentage from the first edge along the longitudinal centerline. Claims 24-25 now

require the interlabial pad have a longitudinal centerline between 50 mm and 160 mm or between 80 mm and 130 mm, respectively. While the original specification at, e.g., page 25, lines 5-24, page 8, lines 21-26, the section bridging pages 29-30, i.e. “[Dimension of the interlabial pad]” (Note this section was relied upon by Applicant for support), and page 23, lines 19-22 disclose a pad as claimed in claim 1 with specific intervals/lengths/distances, i.e. ranges, and/or such from specific edges, such are described with regard to the longitudinal dimension of the pad, i.e. the “apparent” dimension as set forth bridging pages 29-30, especially page 29, lines 17-18, the paragraph bridging pages 29-20 and page 30, lines 12-17 and this is not what is claimed. Where is a device as claimed in claim 1 in combination with such specific intervals/lengths/distances and/or such from specific edges, i.e. ranges, with regard to the longitudinal centerline as now claimed. If Applicant maintains such language the portion of the specification which provides support for the full scope of the claimed combination in a single embodiment should be set forth.

#### ***Claim Language Interpretation***

13. The claim terminology is interpreted in light of the specific definitions on page 5, lines 7-17. Any other claim language not specifically defined has been interpreted in view of the usual and common meaning of such, i.e. the dictionary definition. It is noted that the first and second edges at opposing ends on lines 5-6 are still not required to be the terminal end edges of the pad nor has the extent of each opposing end with regard to the overall extent of the pad been set forth, i.e. at a minimum the claim requires some edge on one portion of the pad including the longitudinal centerline and an edge on another portion of the pad including the longitudinal centerline spaced from the first portion (Note lines 11-15 of claim 1 and the elected species of

Figure 14B, lines 21-22 and lines 27-28 of claim 1 also). Likewise it is noted that claim 1 does not require the cavity opening and restriction be at longitudinal terminal ends of the cavity on lines 9-10 (Note the Figures of the elected species 1-8). It is also noted that the bonding claimed on lines 17-19 of claim 1 now includes direct bonding and the specifics of the extent and location of the portions, other than such having to be “facing”, have also not been claimed, i.e. does not preclude bonding by monolithic formation, i.e. does not require direct but not monolithic bonding of portions which are spaced or separated from one another, i.e. can be coextensive portions of fold. The terminology “near” on lines 18-19 is considered relative absent claiming of specific dimensions with regard thereto. With regard to lines 20-22, see not only discussion infra but also note that such do not require narrowing from one end of the cavity to the other and/or from the cavity opening to the finger restriction portion only just some narrowing of some portion in the direction from the first edge to the second edge. It is noted that the claims do not require the insertion of the finger in the cavity for applying the pad to the wearer. Also the specific dimensions of the terminology “mini” have not been set forth, i.e. “mini” only requires the sheet be smaller than some portion of the remainder of the pad. With regard to the claims and the discussion in the preceding paragraph, see MPEP 2163.06, I. With regard to the terminology “a position displaced...edge” now on lines 13-14 of claim 1, it is noted that such includes the first edge, i.e. extension from the first edge to an intermediate position along the longitudinal direction between the first and second edges. With regard to the length set forth on lines 12-15, it is also noted that the claim does not require the mini-sheet only have the specific length and/or does not require it only extend from such displaced position to the intermediate position. Therefore claim 1 is interpreted to require at least a portion of the mini-sheet have the

claimed length of “a length” of the longitudinal centerline (note “a length” is not required to be the entire length or maximum length) which length includes a position displaced from the second edge, as discussed *supra*, to an intermediate position, as discussed *supra*. This also applies to similar language in claim 6. With regard to the first edge of claim 7, see the discussion of claim 1 *supra*. It is also noted that the claim does not require the front edge, opening and restriction be only at such percentage from the first edge. Therefore, claim 7 is interpreted to require at least some portion of the cavity opening and front edge of the mini-sheet be at a location 40% from some portion of the first edge along the longitudinal centerline and that at least some portion of the restriction be at a location 90% from some portion of the first edge along the longitudinal centerline. Also the terminology “by a predetermined distance” in claim 9 is considered relative absent the claiming of specifics thereof. Claim 21 is interpreted to require a mini-sheet attached so as to be in direct contact with the opposite face portions it covers except for the cavity defined therebetween in addition to the pad of claim 1. See also discussion of claim 21 in paragraph 11 *supra*. Note also Response to Arguments section *infra*.

***Claim Rejections - 35 USC § 102***

14. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

15. Claims 1, 6-7, 9, 12-14, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Wierlacher ‘093.

Claim 1: See Claim Language Interpretation section *supra*, hereinafter also referred to as CLI, and ‘093 at Figures, especially Figures 2-3, 5b, and 6-9, page 4, first full paragraph, page 6,

lines 15-23, page 7, lines 3-30, page 8, lines 12-17, page 9, lines 8-10 and third full paragraph, page 14, line 18-page 15, line 26, page 16, second and third full paragraphs, sentence bridging pages 17-18, page 19, line 8-page 22, line 22, page 24, line 3-page 26, line 18, page 26, line 26-page 27, line 1, i.e. the pad is at least absorbent layer 24 which is adjacent the pudendal region and received in the groove between the labia majora, i.e. an absorbent interlabial pad, and which has an elongate shape, a face side adapted to face the body, adjacent 20a, and an opposite face adapted to face the garment, first and second edges at opposing ends and along a longitudinal centerline extending in a longitudinal direction of the interlabial pad, see the Claim Language Interpretation section supra and edges 31, 32a, 32b, 46-48 and/or 50-56, e.g. at least a portion of 52, see Figures 3, 2 and 6, and at least a portion of ridge 50, respectively, a cavity, i.e. defined by ridge 50, see portions denoted 46, 48, 50 in Figure 1, 46 and 48 in Figure 2, 56 and 54 in Figure 3, 50-56 in Figure 5b, Figure 6 and Claim Language Interpretation section supra, formed on the opposite face along the longitudinal direction, see cited portions, e.g., page 20, first full paragraph, the cavity being formed between the opposite face and a mini-sheet piece, i.e. see Claim Language Interpretation section supra and Figures, e.g. Figures 2, 5b, and 6 and page 9, lines 8-10 and the paragraph bridging pages 26-27 and Figure 7 (i.e. each portion to the right and left of 66), and a cavity opening, e.g. between 58 and 40 or 66, see again page 20, first full paragraph, formed at one end of the cavity, e.g. the front of the ridge 50, a finger restriction portion at an opposing end of the cavity, e.g. ridge 50 adjacent 48 and/or 54, wherein the mini-sheet, e.g. 58, is directly attached to, see, e.g., page 19, second full paragraph, a portion of the opposite face from one lateral side to the other and has a length, i.e. a percentage length (see discussion infra) of “a length” of the longitudinal centerline (Note again the Claim Language

Interpretation section supra especially with respect to the terminology “mini” and discussion infra) along the opposite face that extends from a position displaced from the second edge of the pad, see CLI, to an intermediate position along the longitudinal direction between the first and second edges of the pad, see CLI and, e.g., Figure 2, length 42, the second full paragraph on page 9 and the paragraph bridging pages 26-27, e.g. if 58 extends less than a majority or 50% or less of the length of the article, includes extension from some portion displaced from a second edge, e.g. 48, some portion of 46, to a position intermediate a first edge and the second edge, e.g. the position of the front edge of 58 in Figure 2 relative to a portion of 52 or Figure 7, on of the right or left portions (see CLI again, i.e. it is noted that the length is not claimed as being that between terminal ends of the mini-sheet and doesn’t require only extension between such edges/portions of such edges), the finger restriction portion is defined by two facing portions of a fold, e.g., bending lines of ridge 50, formed in the opposite face “near”, see the Claim Language Interpretation section supra, the second edge which are bonded, i.e. directly, to each other at least at a respective portion thereof (see Claim Language Interpretation section supra and portions of opposite face adjacent 48 with respect to the bending lines of ridge 50, Figures 2 and 6, e.g. portions of opposite face on opposite sides of bending lines at 48 are monolithically formed with each other), a cross sectional area of the cavity gradually narrows along the longitudinal direction of the pad in a direction proceeding from the first edge toward the second edge, e.g. adjacent 48 the cavity is narrows in width along the Z-axis, see Figure 2 in the Z-direction from 58 to 48, and along the Y-axis, i.e. see fold line below 48 in Figure 2 which slants slightly from front to rear (Note again the claim does not require narrowing only from the opening to the another end or along the longitudinal axis) or along 54 from 48, wherein the fold formed in the

opposite face forms a protruding portion, i.e. at least a portion of 50, protruding from the face, i.e. another portion or a remaining portion of the face, adapted to face the body, e.g. see Figure 2 and 48 relative to at least a portion of 52, a first planar portion, i.e. some planar portion of ridge 50, at one side of the protruding portion, e.g. upper surface 20a of such portion , and a second planar portion at another side of the protruding portion, e.g. the lower surface 20b of such portion, being substantially parallel to one another, see Figure 2, and wherein the protruding portion extends in the longitudinal direction from the first edge to the second edge of the interlabial pad, see Claim Language Interpretation section supra and discussion supra. Claim 1, lines 1, 7-8, 9-10, 16 and 22-23 recite function, capability or property of the structure therein. Therefore, and in light of the portions of ‘093 cited supra, it is the Examiner’s first position that the ‘093 reference explicitly teaches such function, capability or property. In any case, i.e. the Examiner’s second position, as noted supra the claim language recites functions, properties or capabilities of the structure set forth in claim 1. The ‘093 reference at the very least teaches the structure of claim 1. Therefore there is sufficient factual evidence for one to conclude that such same structure of ‘093 also inherently includes such claimed functions, properties and capabilities, see MPEP 2112.01. Note again the Claim Language Interpretation section supra especially with respect to the terminology “mini”.

Claim 1 now also requires the “mini-sheet”, have a percentage length of “a length” of the longitudinal centerline (Note again the Claim Language Interpretation section supra especially with respect to the terminology “mini”) along the opposite face that extends from a position displaced from the second edge of the pad, see CLI, to an intermediate position along the longitudinal direction between the first and second edges of the pad, see CLI, which percentage

is 50% to 80%. However see Figures and last three lines of page 26, i.e. 50% or less, CLI and discussion supra, i.e. '093 teaches the structure of lines 12-15, as best understood, with "sufficient specificity", i.e. ranges overlap, see MPEP 2131.03

Claim 6: See CLI, the Figures, the cited portions of '093 supra and the discussion of claim 1 supra, e.g. an interval as seen in Figure 2 is less than the length of 42 which is one third of the total length of the pad but more than the length of 58 which, preferably, is up to 10% but can be less than a majority, i.e. the interval is 10% to 80% of the total length of the pad with sufficient specificity, see MPEP 2131.03, and such length is along the longitudinal centerline. Note also Figure 7 and the extension from opening 66 to the terminal ends of the article.

Claim 7: See discussion supra in the Claim Language Interpretation section supra and with respect to claims 1 and 6 supra, and the Figures, i.e. the '093 device includes at least some portion of the cavity opening which proceeds from some portion of a front edge of the minisheet at a location 40% from some portion of a front edge of the pad, i.e. some portion of the opening, e.g. between 58 and 40 along the centerline, and mini-sheet front edge, e.g. the edge of the mini-sheet adjacent 40, is 40% from some portion of edge 52, and at least some portion of the restriction, e.g. some portion of ridge 50, see discussion of claim 1 supra, is at a location 90% from some portion of a first edge of the pad, e.g. edge 52 at 32a along the centerline.

Claim 9: See paragraph 11, Claim Language Interpretation section and discussion of claim 1 supra and Figures, esp. 2-3.

Claims 12-14: These claims recite functions, properties or capabilities of the structure set forth in claim 1. If not already taught by '093, see the portions cited supra, the '093 reference at the very least teaches such structure of claim 1. Therefore there is sufficient factual evidence for

one to conclude that such same structure of '093 also inherently includes such claimed functions, properties and capabilities, see MPEP 2112.01.

Claim 21: See CLI and Figure 5b, i.e. the mini-sheet is attached so as to be in direct contact with the opposite face portions it covers except for the cavity therebetween, and Figure 2, e.g. it is opposite to the cavity opening, e.g. the intersection of 40 and 42.

***Claim Rejections - 35 USC § 103***

16. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

17. Claims 24-25 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wierlacher '093.

Claims 24-25 require the interlabial pad has a longitudinal centerline between 50 mm and 160 mm, more specifically, a longitudinal centerline between 80 mm and 130 mm. However, see page 26, third full paragraph, the longitudinal centerline in the Figures and last three lines of page 24, and thereby '217 at page 3, lines 21-26, of '093 (note the terminology "about" allows some tolerance or leeway from the value it modifies) which teach the length of the article ranges between about 4 and 8 inches (about 101.6 mm-203.2 mm). Therefore, since such overlap or touch the claimed range with "sufficient specificity", it is the Examiner's first position that '093 teaches the claimed range. Note MPEP 2131.03. In any case, i.e. the Examiner's second position, since the prior art overlaps or touches the claimed range, a *prima facie* case of obviousness exists, see MPEP 2144.05 (Note also, e.g., the paragraph bridging pages 29-30 of the instant

specification, e.g. does not disclose any criticality of the preferred range relative to the broader range, as well as the discussion in paragraphs 12-13 supra).

***Response to Arguments***

18. Applicant's remarks with respect to the informalities have been noted but are either deemed moot in that they have not been repeated or not persuasive for the reasons set forth supra. Applicant's remarks with regard to the prior art are narrower than the claim language and/or the teachings of the prior art as set forth supra, e.g. contrary to the arguments at, e.g., 14-16 of the 5-5-08 response, claim 1 does not require the finger restriction portion "at an edge at an end along a longitudinal direction", it requires a restriction portion at an opposing end of a cavity and both the portion and cavity be "near", see CLI, a second edge.

***Conclusion***

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any new grounds of rejection were necessitated by the amendments of 5-5-08 and 1-7-09 to the claims.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karin M. Reichle whose telephone number is (571) 272-4936.

The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Karin M. Reichle/  
Primary Examiner, Art Unit 3761

KMR  
March 25, 2009

Application/Control Number: 10/706,303  
Art Unit: 3761

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